

Notice of Allowability

Application No.

10/764,204

Examiner

Hargobind S. Sawhney

Applicant(s)

KUHL, LARRY

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 11/14/2005.
2. ☒ The allowed claim(s) is/are 1 and 4-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>1/16/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

1. The amendment filed on November 14, 2005 has been entered. Accordingly:

- Claim 1 has been amended;
- Claim 2 has been cancelled; and
- New claims 17-19 have been added.

2. On January 16, 2006, the examiner and the attorney, Mr. William L. Falk had a telephone conversation, wherein the amended independent claim 1, the dependent original claim 3, and newly added independent claim 17 were discussed. The examiner indicated that the amended claim 1 still does not include any structural limitation, which makes the invention specifically dedicated for vehicular use. The limitation "mounted on a vehicle" still is considered as intended use of the light fixture taught by Cherry et al. (US Patent No.: 5,788,579) in view of Marsico (US Patent No.: 4,164,823) and Furst et al. (US Patent No.: 6,152,590).

The examiner suggested that the following measures would overcome prior art, and would place the application in an allowable condition.

Claim 1 (amended), line 33, insert -- , the vehicular lighting housing is the exterior shell of a dashboard instrument of the vehicle -- before "." ;

Cancel dependent Claim 3; and

Claim 17, line 31, insert -- of the vehicle-- after "instrument".

In response, Mr. Falk authorized an Examiner's amendment requiring amendments of the claims as detailed in section 3 of this office action.

A copy of the interview summary is attached herewith.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. William L. Falk on January 16, 2006.

Claim 1 (amended), line 33, insert -- , the vehicular lighting housing is the exterior shell of a dashboard instrument of the vehicle -- before "." ;

Cancel dependent Claim 3; and

Claim 17, line 31, insert -- of the vehicle-- after "instrument".

Allowable Subject Matter

4. Claims 1 and 4-19 are allowed.

The prior art of record, including Cherry et al. (US Patent No.: 5,788,579) and Marsico (US Patent No.: 4,164,823), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose an infinity effect vehicular lighting arrangement combining:

- A vehicular lighting housing being the exterior shell of a dashboard instrument of the vehicle as recited in each of amended claim 1 and newly

added claim 17 amended though the Examiner's Amendment detailed above.

The above-indicated combination; including a dashboard instrument panel with an infinity effect lighting arrangement, makes this invention unique.

Cherry et al. ('579) and Marsico ('823) each discloses an infinity effect light arrangement for a display for illusion mirror including a one-way mirror spaced from two-way mirror), and a plurality of light-emitting elements positioned between the two mirrors. However, neither combined nor individual teaching of Cherry et al. ('579) and Marsico ('823) discloses the infinity effect lighting arrangement including a lighting housing being the exterior wall of a dashboard instrument of the vehicle. Thus, neither combined nor individual teaching of Cherry et al. ('579) and Marsico ('823) meets the limitations of each of the independent claims 1 and 17.

Therefore, claims 1 and 17 are allowed over prior art.

Claims 4-16 necessarily allowed because of its dependency on the allowed base Claim 1.

Claims 18 and 19 are necessarily allowed because of its dependency on the allowed base Claim 17.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS
1/16/2006


ALI ALAVI
PRIMARY EXAMINER